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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/730,138
Filing Date: December 09, 2003
Appellant(s): TOKASHIKI, MAMORU

Ronald A. Rudder
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 21st, 2008 appealing from the Office action mailed October 19th, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US# 6,344,861	Naughton et al.	2-2002
US PG PUB# 2002/0011923	Cunningham et al.	1-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections. 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naughton et al. (6344861) in view of Cunningham et al. (20020011923).

Re claim 1, Naughton et al. substantially discloses an information processing apparatus comprising: a room image storage means for storing an image of a structure of a room (see figure 7 for example); an item image storage means for storing an image of an item to be operated (see figure 7 for example); a display control means for controlling display of a first image on a display means by reading said image of said item selected by a user from said item image storage means while reading said image of said room selected by said user from said image storage means, and forming said first image such that said image of said item is incorporated in said image of said room (see abstract for example). Naughton et al. does not explicitly disclose said display control means configured to transmit information over the Internet to communicate with said item to be operated. Naughton et al. discloses that known communication network is used to transmit information. However, Cunningham et al. teaches that the Internet is a form of communications network (see paragraph 0027 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the internet as the communications network to transmit information to the item to be operated as taught by Cunningham et al. with the system of Naughton et al. in order to provide a means for broadcasting information to control an item remotely.

Re claim 2, note that Naughton et al. discloses an information processing apparatus, further comprising a character image storage means for storing an image of a character (agent 41 for example), wherein said display control means controls display of a first image on said display means by reading

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said image of said character selected by said user from said character image storage means, and forming said first image such that said .image of said item read through selection by said user and said image of said character read through selection by said user are incorporated in said image of said room selected by said user (see column 14 lines 31-44 for example).

Re claim 3, note that Naughton et al. discloses an information processing apparatus, wherein said display control means selectively controls by high luminance, display of an outline of a item from a plurality of items incorporated in said first image according to an operation by an operation means (see column 18 lines 40-45 for example).

Re claim 4, note that Naughton et al. discloses an information processing apparatus, wherein said display control means supplementarily controls display of a function included in said item having the outline thereof displayed by high luminance (see abstract and column 18 lines 40-45 for example).

Re claim 5, note that Naughton et al. discloses an information processing apparatus, wherein said display control means displays said character so as to have said character located in the vicinity of said item having the outline thereof selectively displayed by high luminance (see abstract and columns 18 lines 40-45 for example).

Re claim 6, note that Naughton et al. discloses an information processing apparatus, wherein, when an instruction to copy information of a first item to a second item is issued, said display control means controls display of said character in order to pick up a designated object from said first item and place said picked up object on said second item (see column 13 lines 6-9 and abstract for example).

Re claim 7, note that Naughton et al. discloses an information processing apparatus, wherein, when an instruction to copy information of a first item to a second item is issued, said display control means controls display of said character and displays said information of said first item pasted on an input screen of said second item (see column 13 lines 6-9 and abstract for example).

Re claim 8, note that Cunningham et al. discloses an information processing apparatus, wherein said display control means is configured to be in communication with the item to be operated through a home network in communication with the Internet (see paragraph 0027 for example).

Re claim 9, note that Naughton et al. discloses an information processing apparatus, wherein said display

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control means is configured to be in communication with a control server providing control commands for the item to be operated (see figure 21b for example).

Re claim 10, Naughton et al. substantially discloses an information processing apparatus comprising:

a room image storage configured to store a structure of a room (see figure 7 for example);

an item image storage configured to store an image of an item to be operated (see figure 7 for example);

a display device including a display and a display control configured to display a first image on said display device by reading said image of said item selected by a user from said item image storage while reading said image of said room selected by said user from said image storage, and forming said first image such that said image of said item is incorporated in said image of said room (see abstract for example). Naughton et al. does not explicitly disclose said display device configured to transmit information over the Internet to communicate with said item to be operated. Naughton et al. discloses that known communication network is used to transmit information. However, Cunningham et al. teaches that the Internet is a form of communications network (see paragraph 0027 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the internet as the communications network to transmit information to the item to be operated as taught by Cunningham et al. with the system of Naughton et al. in order to provide a means for broadcasting information to control an item remotely.

Re claim 11, note that Naughton et al. discloses an information processing apparatus, further comprising a character image storage configured to store an image of a character (agent 41, for example), wherein said display control displays a first image on said display by reading said image of said character selected by said user from said character image storage, and forms said first image such that said image of said item read through selection by said user and said image of said character read through selection by said user are incorporated in said image of said room selected by said user (see column 14 lines 31-44 for example).

Re claim 12, note that Naughton et al. discloses an information processing apparatus, wherein said display control selectively displays an emphasized item from a plurality of items incorporated in said first image (see abstract and column 18 lines 40- 45 for example).

Re claim 13, note that Naughton et al. discloses an information processing apparatus, wherein said display control supplementary displays a function included in said emphasized item (see abstract and column 18 lines 40-45 for example).

Re claim 14, note that Naughton et al. discloses an information processing apparatus, wherein said display control displays said character so as to have said character located in the vicinity of said emphasized item(see abstract and column 18 lines 40-45 for example).

Re claim 15, note that Naughton et al. discloses an information processing apparatus, wherein, when an instruction to copy information of a first item to a second item is issued, said display control displays said character in order to pick up a designated object from said first item and place said picked up object on said second item (see column 13 lines 6-9 and abstract and figure 7 for example).

Re claim 16, note that Naughton et al. discloses an information processing apparatus, wherein, when an instruction to copy information of a first item to a second item is issued, said display control displays said character and said information of said first item pasted on an input screen of said second item (see column 13 lines 6-9 and abstract and figure 7-8 for example).

Re claim 17, note that Cunningham et al. discloses an information processing apparatus, wherein said display control is configured to be in communication with the item to be operated through a home network in communication with the Internet (see paragraph 0027 for example).

Re claim 18, note that Naughton et al. discloses an information processing apparatus, wherein said display control is configured to be in communication with a control server providing control commands for the item to be operated (see figure 21a for example).

(10) Response to Argument

Appellant argues *Naughton does not use the Internet to remotely operate selected devices* (Appeal Brief, Pg. 9).

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The Office respectfully disagrees.

It is noted that claim 1 is rejected under a 35 USC 103(a) rejection using the teaching of Naughton in view of Cunningham. The teachings of Naughton in view of Cunningham render all the limitations of claim 1 as obvious at the time of the invention was made. Regarding applicant's argument of *Naughton does not use the Internet to remotely operate selected devices*, the Office would like to point out that that the Office relies on Cunningham and not Naughton to teach *display control means configured to transmit information over the Internet to communicate with said item to be operated*. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Appellant argues *There is no mention in Naughton of any communication over an Internet network*. Lastly, *Naughton do no constitute a disclosure of communication over the Internet, and indeed teach away from the use of Internet-based communications*.

The Office respectfully disagrees.

The Office agrees that *There is no mention in Naughton of any communication over an Internet network*, however the Office relies on Cunningham to teach the limitation: *display control means configured to transmit information over the Internet to communicate with said item to be operated*. Cunningham teaches that the Internet is a form of communications network (see paragraph 0027 for example). Moreover while Naughton does not specifically mention communication over an Internet, Naughton does however disclose that the system may use many well-known communication medium to transmit information in Column 8, lines 50-57. Furthermore in Column 2, lines 42-46 Naughton discloses "For example, to go from a spreadsheet to **retrieve email**, a user moves from the accounting room to mail room (emphasis added). Retrieving email involves accessing the Internet-a communication medium. Naughton mentioning that the system may use many well-known communication medium to transmit information and the retrieving email function clearly suggests that Internet may be and is a communication medium by which his system may operate in. From the evidence set forth above,

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Naughton in combination with Cunningham teaches all the limitations in claim 1, and Naughton alone **does not teach away** from the user of Internet-based communications (emphasis added).

Appellant argues that in Cunningham reference, any actual use of the Internet is a mere transfer of information to a device and is not used to operate or control a device remotely.

The Office respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In addition not only does Cunningham teach that the Internet is a form of communication medium, but Cunningham also shows that the use of Internet is used to operate and control a device. Cunningham shows a plurality of devices are controlled by the Internet in Para. 0027. While Cunningham teaches Internet is a communication medium and that the Internet is used to operate and/ control a device remotely, it is noted that the claim 1 is rejected under a 35 USC 103(a) rejection and Naughton in view of Cunningham teach all the limitations of claim 1.

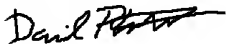
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Phantana-angkool", with a stylized flourish at the end.

/David Phantana-angkool/
Examiner, Art Unit 2175

Conferees:

/William L. Bashore/

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